

of non commissioned officers and soldiers. Carried. Bill read 2nd time. Amendments reported by the Committee adopted.

Mr. Lea offered the following amendment: "Provided such extraordinary taxes shall be collected as needed, according to the State assessment, as it may be from time to time." Adopted.

Mr. Lair moved to adjourn until 10 o'clock tomorrow morning. Lost.

Mr. Cooper moved to postpone further consideration of the bill until 10 o'clock A. M. tomorrow. Carried.

On motion the Senate adjourned until 9 o'clock A. M. tomorrow.

Saturday, February 28, 1863

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and approved.

Mr. Selman, Chairman of Committee on Finance, on behalf of said Committee reported a bill appropriating money to defray the expenses for rations and forage of 21st Brigade, Texas State Troops, and recommended its passage.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of said Committee, reported the following bills and recommended their passage viz:

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

A Bill to amend the Penal Code, and the following bill with the recommendation that it do not pass.

A Bill to amend an act to amend an act to establish a Code of Criminal Procedure approved August 26, 1856, approved February 15, 1858. Also a Bill to punish certain persons for unlawful seizures of wagons and teams recommending its passage with the following amendment. Strike out "by confinement in the Penitentiary" and insert "by fine not less than \$500.00 and in the discretion of the jury by imprisonment in the county jail not more than six months." Also a substitute for a Bill referred to define and punish sedition and to prevent the dangers that may arise from persons disaffected to the State, recommending its adoption and passage.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported correctly engrossed a Bill appropriating \$20,000 or so much thereof as may be necessary for recovering the Capitol and Land Office.

Mr. Casey, Chairman of Committee on Military Affairs, reported on behalf of said Committee on a Joint Resolution in relation to extortion, and requesting Congress to reduce the pay of officers and increase the pay of privates in the Confederate Army, and asked to be discharged from its further consideration because the main objects of said resolution had been acted on by the Senate.

Mr. White, one of the Committee on Military Affairs, on behalf of that Committee reported a Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 27, 1861, and recommended its passage.

Mr. Durant, Chairman of Joint Committee raised by the two Houses to investigate the acts of the Military Board beg leave to report: That they have had the same under consideration and made the best investigations which the length of time, and the varied, large transactions of the Board would admit of. The Committee find that soon after the creation of the Board, Mr. G. H. Giddings was employed as its agent to make negotiations with a view to the obtaining funds with which the Board could commence operations. In these negotiations Mr. Giddings was unsuccessful.

The Board then employed Mr. J. T. D. Wilson to make purchases of arms, munitions of war, blankets, clothing, shoes, leather, medicines, etc. The Board furnished Mr. Wilson with nine thousand five hundred dollars in specie and with other funds to be used in the purchases to be made by him. The specie was used in the purchase of such articles as are above named, and the articles have been received by the Board. The other funds could not be used. The specie furnished to Mr. Wilson was a part of the fund appropriated at the last session of the Legislature for the transportation of clothing and other supplies to our soldiers in Virginia in the Confederate Army.

The Board employed Mr. J. W. Moore as its agent to sell cotton and make purchases for the board. Mr. Moore was to receive as compensation for such services fifteen per cent on the amount of cotton sold by him and fifteen

per cent on the amount of goods purchased by him. The Board was to be at no charge on account of Mr. Moore's personal expenses. This arrangement with Mr. Moore commenced on the 29th of April last and up to about the 1st of January in this year the amount passing through Mr. Moore's hands is about two hundred thousand dollars and his compensation would be some forty or fifty thousand dollars.

The Board have used many of the State Bonds and the Confederate money placed at their disposal, in the purchase of cotton of our planters, which purchases were made at fair rates, and amount of three thousand six hundred and fifty nine bales of cotton as is shown by a tabular statement accompanying this report marked "A."<sup>13</sup>

To enable the Board to effect the purchase of cotton, many of our citizens when called upon by the Board, acted as their agents in purchasing cotton, and in almost every instance without compensation. This cotton has enabled the Board to make large purchases of arms, munitions of war, clothing, blankets, shoes, leather, medicines, cotton and wool cards etc., many of which articles have been received and others are on the route. The Board have sold to the Confederate government in clothing, blankets, shoes, etc. etc. to the amount of ninety six thousand, nine hundred and forty one dollars and ninety cents and in some instances have made a profit of over two hundred per cent and in all the sales made to that government made more than sufficient profit to save the State from any loss.

Invoices and accounts of goods purchased, quantity, and price paid accompany this report and are made part hereof.

The Board have erected a Foundry in the City of Austin for the manufacture of cannon, and procured a large quantity of materials out of which to manufacture such guns, and although no guns of that character have yet been made, the Committee hope and believe that in a short time the Foundry will be able to turn out a considerable number of cannon.

Much difficulty has been encountered by the Board in procuring suitable labor and materials for the erection of the Foundry and the manufacture of cannon; and a large

<sup>13</sup> See Appendix III for the reports on cotton and manufactures.

amount of means have been necessarily used in the enterprise.

The Board have also erected and have in successful operation a factory for the manufacture of gun caps and are now turning out a large quantity of these much needed articles of good quality, and the quantity so made is being constantly increased. The Board have also in successful operation a factory for the manufacture of cartridges.

The Board purchased and fitted up the celebrated "Bayou City" steamer which proved so useful in the glorious attack made on the hirelings of Abraham the first, at Galveston on the 1st of last January, which steamer the Board have since sold to the Confederate Government at an increased price over cost.

The Board have also had obstructions placed in Galveston Bay and Buffalo Bayou. The Board have contracted with various companies and individuals in this state for the manufacture of small arms, rifles, pistols, etc. some of which have been received and others in progress of manufacture, a more full and particular account of all which may be seen by reference to a report made by the Board to the House of Representatives and which is herewith returned to the House marked "B."<sup>14</sup>

Of the large amount which has passed through the hands of the Board, some two thirds or three fourths has been expended in the manufacture and purchase of arms, munitions of war, the purchase of the Bayou City steamer, the purchase of the two Nichols guns, the placing obstructions in Galveston Bay and Buffalo Bayou etc. The balance has been used in purchasing such articles as are of prime necessity.

The following is a statement of the transactions of the Board in State Bonds of one thousand dollars each:

One thousand of these bonds were placed at the disposal of the Board. Two hundred and ninety bonds were used in the purchase of cotton. One hundred and eighty two sold for Confederate notes and the amount placed in the State Treasury. Two hundred and ninety four funded under the law. Forty four of said Bonds are retained to pay for cotton purchased but not yet paid for. Forty seven of said Bonds retained to pay for goods and other expenses

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<sup>14</sup> See Appendix III.

contracted, but not yet paid for which leaves on hand one hundred and forty three State bonds.

The Committee have no hesitation in saying, that while the Military Board may have committed errors, such as all men are liable to yet upon the whole, looking to the vast amount of labor they had to perform and the large amount and varied character of the transactions in which they have been engaged, and the difficulties which have surrounded them, the Board have done quite as well as could possibly be expected of them. They certainly have been successful in a vastly better situation for defense against its enemies than it was at the time of the creation of the Board. And the Committee feel safe in saying that patriotism, industry, and honesty have marked all the proceedings of the Board.

Respectfully submitted

D. C. Dickson

Chairman on part of the Senate

J. K. Holland

Chairman on part of the House of Representatives

A Message was received from the House informing the Senate that the House had agreed to Senate's Resolution in reference to a Committee to inquire into the propriety of extending state aid to certain iron works etc., and has appointed as a committee on the part of the House, Messrs. Rice and Bethel. Also that the House had passed the following bills which were on motion severally taken up, read 1st and 2nd times and referred to appropriate committees as follows:

A Bill to prohibit the distillation of corn and other grain into alcoholic and spiritous liquors in the State of Texas etc. to Committee on State Affairs.

A Bill to define the offense of inciting insurrection, to Judiciary Committee.

A Bill to incorporate the Houston Mutual Supply Association to Judiciary Committee.

A Bill to provide for support of families of Texas soldiers to Committee on State Affairs.

### **ORDERS OF THE DAY**

A Bill to provide necessary assistance for families and other dependents of non commissioned officers and soldiers being the special order was read 2nd time.

Mr. Hord offered the following amendment: "Provided that when in the opinion of the County Court and in case of revision by the District Judge or Court, then in the opinion of such Judge or Court the family or dependants of such soldier or officer shall be fully able to support themselves and take care of or have taken care of their property, then the relief afforded by this act shall not be extended to such family and dependents." Lost.

Mr. Hord offered the following amendment: "In section 1, strike out the words "who have been or." By leave Mr. Hord withdrew the amendment when Mr. Lair moved the previous question which was ordered. The main question being on the engrossment of the bill was put and carried. Rule suspended. Read 3rd time and passed by the following vote. Unanimous except Mr. Durant who votes Nay.

A Bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the Public Domain approved February 11, 1858, approved January 1, 1862, on its 2nd reading with substitute of Committee.

Mr. Graham offered the following amendment. Strike out "two dollars per acre" wherever it occurs in 1st section and insert "one dollar per acre." Lost. The substitute was then adopted by the following vote:

Yeas: Messrs. Andres, Beasley, Boyd, Cook, Crawford, Dickson, Durant, Graham, Hartley, Hord, Jordan, Lea, Moore of Bastrop, Parsons, Quayle, Reed, Shepard, Wheeler and White—19.

Nays: Messrs. Batte, Burney, Cooper, Guinn, Harcourt, Lair, Maxey, Moore of Davis, Selman, and Weatherford—10.

Mr. Guinn moved to strike out "two" and insert "three." Strike out "four" and insert "five." The first amendment being withdrawn, the question on striking out "four" and inserting "five" was put and carried. The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Harcourt by leave introduced a bill to incorporate the Columbus Mutual Aid Association. Read 1st and 2nd times and referred to Judiciary Committee.

A Bill granting land to soldiers in the present war on report of Committee on Public Lands reporting a substitute. Read 2nd time. Substitute adopted. Mr. Guinn offered a substitute authorizing the several County Courts to regulate

the prices of articles of prime necessity used in families of soldiers.

Mr. Shepard moved to postpone further consideration of the subject until 7 ½ o'clock P. M. Lost.

Mr. Guinn moved to lay the bill and substitute on the table. Carried.

Mr. Hord by leave introduced a Joint Resolution in relation to martial law, read 1st and 2nd times and referred to Judiciary Committee.

Mr. Guinn moved to take up the bill and substitute which had been laid on the table on his motion as above.

Mr. Burney moved to divide the question which was carried and the bill was taken up.

Mr. Harcourt by leave reported on behalf of the Judiciary Committee a Bill to incorporate the Columbus Mutual Aid Association and recommended its passage.

On motion the Senate adjourned until 7½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

Mr. Hartley moved to reconsider the vote which adopted the report of the Judiciary Committee on yesterday adversely to a bill declaring void any sale made by the public enemy who may occupy any portion of the Territory of the State of Texas. Carried.

A message was received from the House informing the Senate that the House had adopted a substitute to Senate's bill to provide a specie fund to aid taxpayers in payment of specie taxes.

A Bill granting land to soldiers in the present war being under consideration when the Senate adjourned, the question was taken on taking Mr. Guinn's substitute from the table which was put and lost. Bill read 2nd time.

Mr. Guinn offered the following amendment. "Provided that all soldiers that have been or may be permanently disabled in the service of their Country during the present war who was a citizen of the State of Texas at the time he entered the service and who has received an honorable discharge shall receive 1,280 acres under the provisions of this act."

Mr. Hartley moved to amend the amendment by inserting therein "who entered the service as a soldier from the State of Texas," whereupon Mr. Durant moved to lay the

amendments on the table and the Yeas and Nays being called stood thus:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford—14.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hartley, Lea, Moore of Bastrop, Parsons, Shepard, and White—11.

The bill was then engrossed by the following vote:

Yeas: Messrs. Andres, Boyd, Casey, Cooper, Dickson, Durant, Graham, Jordan, Lair, Maxey, Moore of Davis, Quayle, Selman, and Weatherford and Wheeler—15.

Nays: Messrs. Beasley, Burney, Crawford, Guinn, Harcourt, Hord, Lea, Moore of Bastrop, and Shepard—9.

On motion the Senate adjourned until 9 o'clock A. M. on Monday next.

Monday, March 2nd, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Guinn presented the Memorial of John M. Crockett in relation to the manufacture of pistols in Dallas County. Read and referred to Judiciary Committee.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of that Committee reported a bill to define the offense of inciting insurrection or insubordination of slaves etc. and recommended its passage.

Mr. Lea, one of the Committee on State Affairs, made the following report: "The Committee on State Affairs to which was referred the petition of sundry citizens of San Patricio has considered the same and found from its pecuniary interest between the Corporate authorities of said town and other general interests of the County of San Patricio and that the absence of persons from that County in the army deprives the community of that county from proper representation of its interests at home. Hence the Committee has concluded that the safe course is to suspend the action of the Corporate authority of that town until twelve months after the close of the war so as to prevent intermediate wrong and to give opportunity for a full and fair presentation of the difficulty to a session of the Legislature which may be expected during such twelve months.